

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Application No.:

09/616,731

Confirmation No.:

6881

Filing Date:

July 14, 2000

Inventors:

McDevitt et al.

Title:

METHOD AND

APPARATUS FOR THE DELIVERY OF SAMPLES TO A CHEMICAL SENSOR

ARRAY

Examiner:

Nelson C. Yang

Art Unit:

1641

Atty. Dkt. No.:

5936-00517

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

DATE OF DEPOSIT:

November 30, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail on the date indicated above and is addressed to: Commissioner for Patents

P.O. Box 1450

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COMMENTS ON INFORMATION DISCLOSURE STATEMENT AND COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

MAIL STOP: ISSUE FEE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Remarks begin on page 2 of this paper.

Inventors: McDevitt et al. Appl. Ser. No.: 09/616,731

Atty. Dkt. No.: 5936-00517

A. Pending Claims

Claims 413-442, 444-466, and 490-492 are pending and allowed.

B. <u>Information Disclosure Statement</u>

The Office Action states: "The office actions in the information disclosure statement

filed August 30, 2004 fails to comply with the provision of 37 CFR 1.97, 1.98 and MPEP § 609

because they were not publicly available." Applicant respectfully disagrees with this statement.

Applicant respectfully submits that information may be properly included in an

Information Disclosure Statement even if it is not publicly available. Applicant respectfully

requests consideration of the Office Actions submitted in the Information Disclosure Statement

filed August 30, 2004.

C. Comments On Statement Of Reasons For Allowance

Applicant respectfully disagrees with the Examiner's Statement of Reasons for

Allowance and/or Applicant believes that the Examiner's Statement of Reasons for Allowance is

incomplete.

Applicant respectfully submits that the cited art does not teach or suggest the

combinations of features set forth in the Applicant's claims. Applicant submits the submitted

references at least do not appear to teach or suggest a system for detecting analytes in a fluid that

includes a vacuum apparatus having a breakable barrier.

2

Inventors: McDevitt et al. Appl. Ser. No.: 09/616,731 Atty. Dkt. No.: 5936-00517

It is believed that no fees are due in connection with the filing of this response. If any fees are due, the Commissioner is hereby authorized to deduct said fees from Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 50-1505/5936-00517/EBM.

Respectfully submitted,

Éric **B**. Meyertons Reg. No. 34,876

Attorney for Applicant

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. P.O. BOX 398 AUSTIN, TX 78767-0398 (512) 853-8800 (voice) (512) 853-8801 (facsimile)

Date: November 30, 2005

PATENT



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PAYMENT OF ISSUE FEE

MAIL STOP: ISSUE FEE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Please find enclosed:

- 1) Issue Fee Transmittal Form PTOL-85B (1 page);
- 2) Comments on Information Disclosure Statement and Comments on Statement of Reasons for Allowance (4 pages);
- 3) A fee authorization in the amount of \$715.00 (2 pages); and
- 4) A return postcard evidencing receipt of these materials.

If any fees are inadvertently omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5936-00517/EBM.

Respectfully submitted,

Eric Be Meyertons Reg. No. 34,876

Attorney for Applicant

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